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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,053	04/06/2006	Asko Vetelainen	800.0188.U1(US)	6575
10/948 7590 11/09/2011 Harrington & Smith, Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484			EXAMINER KEATON, SHERROD L	
			ART UNIT 2175	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/575,053

Applicant(s)

VETELAINEN ET AL.

Examiner

SHERROD KEATON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-6, 8-16 and 18-29 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-6, 8-16, 18-29 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB-03)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

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DETAILED ACTION

This action is in response to the RCE filing of 6-17-2010. Claims 1-6, 8-16, 18-29 are pending and have been considered below:

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. **Claims 1, 2, 6, 8-10, 12, 13, 15, 18, 19, 21, 22, 28 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll, 7017118 B1 in view of Jaeger, US 6883145 B2

Claim 1: Carroll discloses a method, comprising:

selecting, with a user interface of an electronic apparatus, a first shortcut key located at a selecting position on a display of the electronic apparatus; determining that the first shortcut key was deselected and a deselecting position on the display where the first shortcut key was deselected; and based on the deselecting position, **executing a function** of at least three predefined functions, the three predefined functions comprising:

executing a function attached to the first shortcut key if the deselected position and the selected position are the same,

cancelling the selection of the first shortcut key if the deselected position is on a portion of the display which is not defined to act as a shortcut key; and

for the case that the deselected position is on a second shortcut key located on the display of the electronic apparatus then:

shifting, in one action, the first shortcut key with its attached content and functionality to become the content and functionality of the second shortcut key, and

shifting, in the one action, the second shortcut key with its attached content and functionality to become the content and functionality of the first shortcut key (Column 9,

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Lines 27-44) provides functionality to swap content by selecting and navigating to a certain position.

But does not explicitly disclose wherein if no content and functionality is attached to the second shortcut key before the shifting then no content and functionality will be attached to the first shortcut key after the shifting. Therefore Jaeger is provided because it discloses a shifting of functionality (Jaeger: Column 16, Lines 5-20). However it would be understood that if the functionality of Jaeger referenced an item without a function no function would be shifted. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide this functionality in Carroll to ensure system operability by not unintentionally shifting features not available.

Regarding **Claims 13, 19 and 23**, The rejection for Claim 1 applies to Claims 13, 19 and 23.

Claim 2: Carroll and Jaeger disclose a method according to claim 1, wherein the electronic apparatus is embodied in one of: a cellular network terminal, a PC, a portable computer or a palm computer (Jaeger: Column 17, Lines 15-19).

Regarding **Claims 22 and 29**, The rejection for Claim 2 applies to Claims 22 and 29.

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Claim 6: Carroll and Jaegar disclose a method according to claim 1, wherein, after the predefined function is performed, the apparatus enters a standby state (Carroll: Column 9, Lines 36-40). Once the swap is performed the highlights are removed and will not perform another action until a new selection (standby mode).

Regarding **Claim 27**, The rejection for Claim 6 applies to Claim 27.

Claim 8: Carroll and Jaegar disclose a method according to claim 1, wherein the first shortcut key is selected on the display of the electronic apparatus with a button of a mouse belonging to a user interface of the electronic apparatus (Carroll: Column 4, Lines 48-67).

Claim 9: Carroll and Jaegar disclose a method according to claim 8, and further wherein the content and functionality of the first shortcut key is and the second shortcut key are shifted, in the one action by moving, with the mouse on the display of the electronic apparatus first shortcut key to a position above the second shortcut and releasing the mouse to deselect the first shortcut key at the position above the second shortcut key (Carroll: Column 4, Lines 48-67(mouse input) and Column 9, Lines 26-44).

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Regarding **Claim 15**, The rejection for Claim 9 applies to Claim 15.

Claim 10: Carroll and Jaeger disclose a method according to claim 1, further comprising making, with the user interface, particular short cut keys on display of the electronic apparatus permanent so that the content and functionality of these keys will not be shifted (Jaeger: Column 16, Lines 5-9). The system makes the object location fixed using a permanent feature. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide this functionality to all features as needed to ensure certain content or functionality which is of higher importance is not replaced removing the possibility of system errors.

Claim 12: Carroll and Jaeger disclose a method according to claim 1, wherein a shifted functionality comprises a functionality programmed into the electronic apparatus (Jaeger: abstract). Jaeger discloses a programmed system therefore functionality is programmed within the system.

Regarding **Claims 18, 21 and 28**, The rejection for Claim 12 applies to Claims 18, 21 and 28.

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3. **Claims 3-5, 14 and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll, 7017118 B1 and Jaeger, US 6883145 B2 in further view of Astala, US 6,590,568 and Hawkins, US 6,781,575.

Claim 3: Carroll and Jaeger disclose a method according to claim 2, but do not explicitly disclose wherein a touch screen is used as the display of the electronic apparatus, and a shortcut menu is created on the touch screen. Therefore Astala is provided with a touch screen (abstract; and figures 3-5) further Hawkins discloses the claimed aspect of a touch screen used as the display unit of the electronic device, whereby a shortcut menu is created on the touch screen in (FIGURE 5 and FIGURE 6) wherein new, edit, delete and done options on touch screen are illustrated.

It would be obvious to one ordinary skill in the art at the time of the invention to combine Astala's touch screen drag and drop method, Jaeger's switching concept with Hawkins touch screen organizing elements, because as the size of these communication devices decreases and as the number of functions increases, it has become increasingly important for a user to be able to enter commands and information into the communication device in an efficient manner and with a reduction in size of the device, a keypad input device must also be reduced in size, thereby decreasing the efficiency with which information can be inputted by reducing the number and size of the keys. (Astala, Page 1, Paragraphs 30-35).

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Claim 4: Carroll, Jaegar Astala and Hawkins disclose a method according to claim 3, and further disclose wherein the first shortcut key is selected key by pressing the touch screen with the an object at a position of the first shortcut key. (Astala, Page 2, Paragraph 20, lines 1-5). More specifically, Astala discloses that the pressure and velocity could be of a finger or other object contacting the touch screen. (Astala, Page 2, Paragraph 5, lines 5-8).

Regarding **Claim 14**, The rejection for Claim 4 applies to Claim 14.

Claim 5: Carroll, Jaegar Astala and Hawkins disclose a method according to claim 4, and further disclose wherein the content and functionality of the first shortcut key and the second shortcut key are shifted, in the one action, by moving the first shortcut key, with the object used in the selection on the touch screen: to a position over the second shortcut and raising the object from the touch screen, key to deselect the first shortcut key at the position over the second shortcut key. Astala discloses in FIGURE 6a-d, wherein specifically FIG. 6c illustrates the second touch input 736 being made over the image of directory 2 in window 730. At step 718, the x and y coordinates of the second touch input 736 are determined, and at step 720, the object of the second touch, that is, the selected item of the second touch, is determined to be directory 2. At step 722, the

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object of the first touch input, that is, file 1, is then moved to the object of the second touch input, that is, directory 2. The process is then ended at step 724. FIG. 6d illustrates that file 1 has been moved from directory 3. (Astala, Page 9, Paragraphs 55-60); Jaeger provides the functionality of switching the content and functionality as previously cited.

Regarding **Claims 25 and 26**, The rejection for Claim 5 applies to Claims 25 and 26.

4. **Claims 11 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll, 7017118 B1 and Jaeger, US 6883145 B2 in further view of Leavitt et al., US 20020085037.

Claim 11: Carroll and Jaegar disclose a method according to claim 1, wherein the shifting causes a functionality attached to a first key belonging to a physical keyboard of the electronic apparatus to be shifted to a second key of the keyboard. Leavitt is provided to disclose the shifting of a shortcut key made on the display of the electronic apparatus further causes the functionality attached to a first key belonging to a physical keyboard of the electronic apparatus to be shifted to a second key of the keyboard, wherein Zenu.TM. 200 permits the user to assign commands to the buttons by dragging

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and dropping from one or more applications associated with (e.g., capable of running on, or otherwise coupled to) the apparatus. (Leavitt, Page 4, Paragraph 0061, lines 12-15). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Carroll drag technique, Jaeger's switching concept with Leavitt's functionality, because this would allow the users software and hardware options of selection.

Regarding **Claim 16**, The rejection for Claim 11 applies to Claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

11-1-2011

/William Bashore/

Supervisory Patent Examiner, Art Unit 2175